

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #16	CCRB Case #: 201607913	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/18/2016 10:30 PM	Location of Incident: PSA 5 stationhouse	Precinct: 25	18 Mo. SOL 2/18/2018	EO SOL 2/18/2018	
Date/Time CV Reported Thu, 08/18/2016 11:57 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/18/2016 11:57 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Carlos Viera	05246	926259	HBM IRT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Christina Profeta	14949	956183	PSA 5
2. SGT Tyrone Helmer	04053	921419	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.SGT Carlos Viera	Abuse: Sergeant Carlos Viera did not process § 87(2)(b)'s complaint regarding an officer.	

Case Summary

On August 18, 2016, § 87(2)(b) filed this complaint online with the CCRB under CCRB case number 201607114. This case was generated as a separate complaint on September 15, 2016.

On August 18, 2016, at approximately 10:30 p.m., § 87(2)(b) and his § 87(2)(b) old son, § 87(2)(b) walked into the PSA 5 stationhouse in Manhattan to file a complaint against an officer. Sgt. Carlos Viera told § 87(2)(b) that he could file the complaint online and gave him the CCRB phone number. Sgt. Viera never indicated that he would generate a complaint for § 87(2)(b). Sgt. Viera did not process § 87(2)(b)'s complaint regarding an officer (**Allegation A**).

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was referred to mediation under CCRB case number 201607114 on September 7, 2016. On September 13, 2016, that case was returned to investigation to be separated into two separate cases. On September 15, 2016, this complaint was referred to mediation again. On November 3, 2016, this case was returned to investigation because Sgt. Viera declined to participate in mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This complaint and case number 201607114 were § 87(2)(b)'s first CCRB complaints (Board Review 01).
- Sgt. Viera had 26 previous allegations stemming from 10 complaints over his 16 year tenure with the NYPD. None of the allegations were substantiated § 87(2)(g)

Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant Carlos Viera did not process § 87(2)(b)'s complaint regarding an officer.

It is undisputed that Sgt. Viera did not process § 87(2)(b)'s complaint against an officer.

§ 87(2)(b) was interviewed at the CCRB on November 29, 2016 (Board Review 02). On August 18, 2016, at approximately 10:30 p.m., § 87(2)(b) walked into the PSA 5 stationhouse with his § 87(2)(b) year old son § 87(2)(b) to file a complaint against PO Brian Raghoenathsingh of the Housing Borough Manhattan Impact Response Team. § 87(2)(b) asked PO Christina Profeta to speak with a supervisor. PO Profeta got the attention of the Sgt. Tyrone Helmer, who was sitting behind the desk. § 87(2)(b) told Sgt. Helmer PO Raghoenathsingh's name. Sgt. Helmer said that he would find PO Raghoenathsingh's direct supervisor, because he was not assigned to PSA5. After about 15 minutes, Sgt. Viera entered the stationhouse from outside, by himself. § 87(2)(b) began to tell Sgt. Viera about his complaint against PO Raghoenathsingh, but Sgt. Viera cut him off and asked what he could do for him. § 87(2)(b) continued to explain his interaction with PO Raghoenathsingh and

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told Sgt. Viera he wanted to file a complaint against PO Raghoenathsingh. Sgt. Viera cut § 87(2)(b) off again and said that the officers knew what they were doing. § 87(2)(b) told Sgt. Viera that the officers needed retraining because they were very disrespectful. § 87(2)(b) felt that Sgt. Viera was not paying attention to what he was saying. § 87(2)(b) asked Sgt. Viera to make a report regarding PO Raghoenathsingh's behavior and possibly have him retrained. After § 87(2)(b) and Sgt. Viera had been talking for about 10 minutes, Sgt. Viera told § 87(2)(b) that he would talk to PO Raghoenathsingh. § 87(2)(b) asked Sgt. Viera for a phone number to file the complaint. Sgt. Viera went behind the desk to the phone, but § 87(2)(b) did not know what Sgt. Viera did on the phone or who he called. § 87(2)(b) asked Sgt. Viera again to do something about the situation. Sgt. Viera told § 87(2)(b) that the complaint could be filed online. § 87(2)(b) asked Sgt. Viera again for a phone number to file the complaint. Sgt. Viera gave § 87(2)(b) the phone number for the CCRB on a piece of paper. Sgt. Viera never had § 87(2)(b) fill out a complaint form and never indicated that he would generate a complaint for § 87(2)(b). § 87(2)(b) § 87(2)(b) provided a statement over the phone on January 20, 2017 (Board Review 03). § 87(2)(g) § 87(2)(b) § 87(2)(b) denied that Sgt. Viera gave § 87(2)(b) the phone number of the CCRB to call and file the complaint.

Sgt. Viera was interviewed at the CCRB on December 19, 2016 (Board Review 04). Sgt. Viera stated that, when he arrived at the PSA 5 stationhouse, § 87(2)(b) said that he wanted to file a complaint against PO Raghoenathsingh. Sgt. Viera asked § 87(2)(b) if he had 20 minutes to stay at the stationhouse and write up the complaint. § 87(2)(b) said that he had to leave, so Sgt. Viera gave § 87(2)(b) the phone number for the CCRB, which was posted on the wall in the stationhouse. § 87(2)(b) left willingly after Sgt. Viera gave him the phone number for the CCRB. After § 87(2)(b) left the stationhouse, Sgt. Viera called the CCRB to report § 87(2)(b)'s complaint, but he did not because it was not business hours. Sgt. Viera did not indicate if he attempted to leave a message or call back at another time.

Sgt. Helmer (Board Review 05) and PO Profeta (Board Review 06) were interviewed at the CCRB on January 11, 2017. Neither Sgt. Helmer nor PO Profeta remembered the incident and did not recognize § 87(2)(b) when presented with the photo taken on the date of his CCRB interview (Board Review 07).

The PSA 5 command log for August 18, 2016 (Board Review 08) contained the following notation at 10:30 p.m.: "Civilian in for complaint of PO Raghoenathsingh IRT #956185, § 87(2)(b) DOB § 87(2)(b). Issued CCRB phone # to call during [illegible]."

Sgt. Viera's memo book (Board Review 09) noted at 10:35 p.m., "10-2 PSA-5 Civilian wants to make complaint against PO Rags. Gave Civilian Complaint #. § 87(2)(b) Also made log entry in PSA-5 command log. I called Civilian Complaint Review Board/not office hours."

Upon receipt of a complaint from a civilian alleging misconduct by a uniformed member of service, the member of the service receiving the complaint must report all misconduct complaints including unnecessary use of force, abuse of authority, discourtesy, offensive language, etc., to Civilian Complaint Review Board, Intake Unit at 1-800-341-2272 (24 hours), Patrol Guide Procedure 207-31, Processing Civilian Complaints (Board Review 10).

§ 87(2)(g)

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date